

ORIGINAL**FILED****In the United States Court of Federal Claims**

OCT - 4 2017

No. 17-1323
(Filed: October 4, 2017)U.S. COURT OF
FEDERAL CLAIMS

NOBLE GRACE ROBERTS BEY, *

*

Plaintiff, *

*

v. *

*

THE UNITED STATES, *

*

Defendant. *

*

ORDER OF DISMISSAL**Damich**, Senior Judge:

Plaintiff Grace Roberts Bey, acting *pro se*, filed a complaint in this Court on September 22, 2017.¹ While it is difficult to discern, it appears that the Plaintiff alleges multiple allegations against the City of Philadelphia Water Revenue Bureau ("the Bureau") and Magisterial Judge Gene Cohen. Plaintiff alleges against the former that it "produced a false claim . . . for a delinquent water account," and that "certain employee(s)" of the bureau violated multiple sections of the criminal statutes set out in Title 18, as well as "fraudulent misconduct and negligence pursuant to" 42 U.S.C §§ 3612-3614. Compl. ¶ 1. In addition, Plaintiff alleges that "Magisterial Judge District Judge Gene D. Cohen rendered [a] false, corrupt, and rogue opinion" against her in a case before the Court of Common Pleas in Philadelphia, Pennsylvania. Compl. ¶ 1. Plaintiff also claims that Judge Cohen failed to provide his "Delegation of Authority Order," and his failure is a violation of "Article III, Section 1 of the United States Republic Constitution," and Title 18 of the United States Code. Compl. ¶ 1.

For relief, Plaintiff asks this Court to restore the water services at her property, find that the Bureau created a false charge against her, and award her damages that she suffered by the fraudulent misconduct and negligence by the Bureau. Compl. ¶ 5. However, since this Court lacks jurisdiction to hear these disputes, the complaint must be dismissed.

¹ Plaintiff also filed a motion and application to file her complaint *in forma pauperis*. After reviewing the application, the motion is **GRANTED**.

The Court of Federal Claims may only hear disputes against the United States. 28 U.S.C. § 1491. Here, none of the allegations do so. The complaint alleges violations committed by the Bureau, employees of the Bureau, and Judge Cohen. However, the Bureau, its employees, and Judge Cohen are not agents of the United States but rather the City of Philadelphia or in Judge Cohen's case, the Commonwealth of Pennsylvania. Thus, claims made against them are outside the jurisdiction of this Court. See *Lord Noble Kato Bakari El v. United States*, 127 Fed. Cl. 700, 704 (2016) (explaining that the Court of Federal Claims lacks jurisdiction over claims against states, localities, state and local government officials, or state employees). Therefore, to the extent that the Plaintiff is bringing a claim against a defendant other than the United States, the complaint must be dismissed pursuant to RCFC 12(b)(1) for lack of jurisdiction.

Additionally, this Court lacks jurisdiction to hear Plaintiff's claims resulting from alleged violations of the criminal statutes. See *Joshua v. United States*, 17 F.3d 378, 379 (Fed. Cir. 1994) ("[t]he [C]ourt [of Federal Claims] has no jurisdiction to adjudicate any claims whatsoever under the federal criminal code."). Also, this Court lacks jurisdiction to hear Plaintiff's claims of fraudulent misconduct and negligence for they sound in tort. *Shearin v. United States*, 992 F.2d 1195, 1197 (Fed. Cir. 1993) (explaining that the Court of Federal Claims lacks jurisdiction to hear claims sounding in tort). Accordingly, for this independent reason, also, this Court does not possess subject matter jurisdiction to hear Plaintiff's claim.

For all the reasons stated above, this case must be **DISMISSED** for lack of jurisdiction. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.


EDWARD J. DAMICH
Senior Judge